



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### COUNCIL MEMBERS

Dennis Kennedy, Mayor  
Hedy Chang, Mayor Pro Tempore  
Larry Carr, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

### REDEVELOPMENT AGENCY

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

**WEDNESDAY, JUNE 18, 2003**

### AGENDA

### JOINT MEETING

### CITY COUNCIL SPECIAL AND REGULAR MEETING

and

### REDEVELOPMENT AGENCY SPECIAL MEETING

**5:00 P.M.**

*A Special Meeting of the City Council and Redevelopment Agency is Called at 5:00 P.M. for the Purpose of Conducting Planning Commission Interviews/Appointments, and Closed Sessions.*

---

**Dennis Kennedy, Mayor/Chairman**

### CALL TO ORDER

(Mayor/Chairperson Kennedy)

### ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

### DECLARATION OF POSTING OF AGENDA

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**5:00 P.M.**

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
1.	60 Minutes	<b><u>PLANNING COMMISSION INTERVIEWS/APPOINTMENTS</u></b> .....	1
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Conduct</u></b> Interviews; and	
		2. <b><u>Appoint</u></b> to Fill Four (4) Vacancies on the Planning Commission, Terms Ending June 1, 2007.	

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

1.  
**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant Exposure/Initiation of Litigation  
Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 3

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PROCLAMATIONS**

United Nations Public Service Day -June 23, 2003  
*Mary Kaye Fisher*

### **RECOGNITIONS**

Sarah Flowers  
*Deputy County Librarian*

### **CITY COUNCIL REPORT**

Council Member Sellers

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 2-9**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

2. **MAY 2003 FINANCE & INVESTMENT REPORT**..... **23**  
**Recommended Action(s): Accept and File Report.**
3. **AGREEMENT BETWEEN THE CITY AND INDEPENDENCE DAY, INC. TO CO-SPONSOR  
THE JULY FOURTH CELEBRATIONS**..... **47**  
**Recommended Action(s): Authorize the City Manager to Sign the Agreement to Co-sponsor the July Fourth Celebrations and Support Independence Day Inc. by Contributing Funding and In-kind Services, Not to Exceed \$23,000.**
4. **APPROVAL OF PURCHASE AGREEMENT WITH MORGAN HILL UNIFIED SCHOOL  
DISTRICT (MHUSD) FOR BURNETT AVENUE WELL SITE**..... **55**  
**Recommended Action(s): Approve Purchase Agreement with Morgan Hill Unified School District Conveying Burnett Avenue Well Site.**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
<b>5.</b>	<b><u>SHARKS IN THE PARK SPONSORSHIP FOR YOUTH ADVISORY COMMITTEE ACTIVITY</u>.....</b>	<b>63</b>
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> Council Co-Sponsorship of Youth Advisory Committee's Request to Submit a Grant to the Sharks in the Park Youth Street Hockey Program; and	
	2. <b><u>Authorize</u></b> the City Manager to Add the Sharks Organization Street Hockey Program as Additionally Insured through the City's Insurance.	
<b>6.</b>	<b><u>SUMMER THEATER ARTS REPERTORY (S.T.A.R) SUMMER PROGRAM CONTRACT</u>.....</b>	<b>71</b>
	<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute a Contract in the Amount not to exceed \$25,000 for the Children's Drama Camp Entitled STAR (Summer Theater Art Repertory) Camp.	
<b>7.</b>	<b><u>COMCAST SEWER/TRAFFIC FEE FINANCING</u>.....</b>	<b>73</b>
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> a Sewer/Traffic Fee Financing Agreement of \$235,020 for up to Two Years to Comcast Cable Communications, Inc. for 18665 Madrone Parkway; and	
	2. <b><u>Authorize</u></b> the City Manager to do Everything Necessary to Execute the Sewer/Traffic Fee Financing Agreement.	
<b>8.</b>	<b><u>APPROVAL OF CONTRACT FOR INTERIM MAINTENANCE SUPERVISOR</u>.....</b>	<b>77</b>
	<b><u>Recommended Action(s):</u></b> <b><u>Approve</u></b> the Agreement and <b><u>Authorize</u></b> the City Manager to Execute a Contract to Continue the Contract Services of an Interim Maintenance Supervisor Subject to City Attorney Approval.	
<b>9.</b>	<b><u>AWARD BID FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) TELEMETRY REPLACEMENT PROJECT</u>.....</b>	<b>85</b>
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Authorize</u></b> the Transfer of \$278,140 (const) From Project #607A98 (Jackson Oaks Booster Station) to Project #606093 (Replacement SCADA);	
	2. <b><u>Award</u></b> Contract in the Amount of \$1,254,845 to Tesco Controls, Inc. for the SCADA Replacement Project;	
	3. <b><u>Authorize</u></b> the Issuance of CCO#1 for the SCADA Project to Deduct Work Items Totalling Approximately \$330,555;	
	4. <b><u>Authorize</u></b> \$135,000 (15%) Construction Contingency for the Project; and	
	5. <b><u>Approve</u></b> Professional Services Contract in the Amount of \$101,942 for Telemetry Construction Support Services with Carollo Engineers.	

## City Council Action

### CONSENT CALENDAR: (Continued)

#### ITEMS 10-11

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
10.	<b><u>SETTING OF ANNUAL PUBLIC HEARING FOR FOX HOLLOW-MURPHY SPRINGS LIGHTING AND LANDSCAPE ASSESSMENT DISTRICT</u></b> .....	97
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Nine Resolutions Setting the Annual Public Hearing for the fiscal Year 2003-2004 Fox Hollow-Murphy Springs Lighting and Landscaping Assessment District, as follows:	
	a) <b><u>Adopt</u></b> Resolution Numbers 5674, 5675, and 5676, Excluding the Conte Gardens and Sandalwood Estate Zones;	
	b) <b><u>Adopt</u></b> Resolution Numbers 5677, 5678, and 5679, Referring Only to the Conte Gardens Zone (Mayor Kennedy Conflict);	
	c) <b><u>Adopt</u></b> Resolution Numbers 5680, 5681, and 5682, Referring Only to the Sandalwood Estates Zone (Council Member Chang Conflict); and	
	2. <b><u>Direct</u></b> the City Clerk to Notice a Copy of the Resolutions.	
11.	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 4, 2003</u></b> .....	121

## City Council and Redevelopment Agency Action

### CONSENT CALENDAR:

#### ITEM 12

12.	<b><u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 4, 2003</u></b> .....	125
-----	---	-----

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate	Page
13.	<b>3 Minutes</b>	
	<b><u>ANNEXATION APPLICATION, ANX-03-01: HILL-GERA</u></b> .....	153
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
	Council Discussion.	
	Action- <b><u>Motion to Table</u></b> Application ANX-03-01: Hill-Gera.	
14.	<b>5 Minutes</b>	
	<b><u>EXTENSION OF TIME, EOT-03-06: McLAUGHLIN-JONES</u></b> .....	155
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
	Council Discussion.	
	Action- <b><u>Adopt</u></b> Resolution No. 5673.	

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
15.	10 Minutes	<b><u>DEVELOPMENT AGREEMENT AMENDMENT DAA-00-08: BERKSHIRE-SINGH</u></b> .....	173
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1622, New Series	
		Action- <b><u>Motion to Introduce</u></b> Ordinance No. 1622, New Series by Title Only. (Roll Call Vote)	
16.	5 Minutes	<b><u>DEVELOPMENT AGREEMENT AMENDMENT DAA-01-07: COCHRANE-MISSION RANCH</u></b> .....	185
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1623, New Series	
		Action- <b><u>Motion to Introduce</u></b> Ordinance No. 1623, New Series by Title Only. (Roll Call Vote)	
17.	5 Minutes	<b><u>DEVELOPMENT AGREEMENT AMENDMENT DAA 02-01: CHURCH-SOUTH COUNTY HOUSING</u></b> .....	195
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1625, New Series	
		Action- <b><u>Motion to Introduce</u></b> Ordinance No. 1625, New Series by Title Only. (Roll Call Vote)	
18.	60 Minutes	<b><u>ZONING AMENDMENT APPLICATION, ZAA-98-16: CONDIT-HORIZON LAND (THE FORD STORE)</u></b> .....	205
		Council Discussion. (Continued from June 4, 2003)	
		Action- <b><u>Approve</u></b> Mitigated Negative Declaration.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1621, New Series	
		Action- <b><u>Motion to Introduce</u></b> Ordinance No. 1621, New Series by Title Only. (Roll Call Vote)	
19.	10 Minutes	<b><u>ADJUSTMENT TO GENERAL PLAN MAINTENANCE FEE</u></b> .....	207
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Adopt</u></b> Resolution No. 5684.	
20.	45 Minutes	<b><u>DEVELOPMENT IMPACT FEE ADJUSTMENTS</u></b> .....	213
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance No. 1624, New Series	
		Action- <b><u>Motion to Introduce</u></b> Ordinance No. 1624, New Series by Title Only. (Roll Call Vote)	
		Action- <b><u>Adopt</u></b> Resolution No. 5686.	

## ***City Council and Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
21.	10 Minutes	<b><u>PUBLIC HEARING FOR ADOPTION OF FISCAL YEAR 2003-2004 BUDGET</u></b> .....	263
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution No. 5685 Adopting the Fiscal Year 2003-2004 Annual City Budget and Adopting Appropriations Limit for Fiscal Year 2003-2004. Action- <b><u>Adopt</u></b> Resolution No. MHRA-245 Adopting Redevelopment Agency Fiscal Year 2003-2004 Annual Agency Budget; and Action- <b><u>Approve</u></b> Capital Improvement Plan.	
22.	15 Minutes	<b><u>RENOVATION OF THE ISAACSON GRANARY</u></b> .....	271
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution No. 5683, and <b><u>Adopt</u></b> Resolution No. MHRA-244, Making Findings and Authorizing the Executive Director to Do Everything Necessary to Execute and Implement the Disposition and Development Agreement and Related Documents, Including Making any Minor Modifications to the Agreements and Executing the Purchase Agreement for Isaacson Granary.	

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
23.	10 Minutes	<b><u>UTILITY UNDERGROUNDING FOR THE ISAACSON GRANARY</u></b> .....	345
		<b><u>Recommended Action(s):</u></b> <b><u>Direct</u></b> Staff to Work with the Council Economic Development Subcommittee to Develop a Program to Assist Developments with Either the Payment of Utility Undergrounding In-lieu Fees and/or the Installation of the Utility Undergrounding.	

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
24.	10 Minutes	<b><u>CONSIDER REVISION TO AUTO DEALERSHIP STRATEGY</u></b> .....	347
		<b><u>Recommended Action(s):</u></b> <b><u>Consider</u></b> the Mayor's Request to Revise the Auto Dealership Strategy.	
25.	20 Minutes	<b><u>DISCUSSION OF PHASING FOR COMMERCIAL PLANNED UNIT  DEVELOPMENT (PUD)</u></b> .....	353
		<b><u>Recommended Action(s):</u></b> <b><u>Discuss</u></b> and <b><u>Give Direction</u></b> Regarding the Phasing of Development within PUD Zones.	

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
26.	10 Minutes	<b><u>RESIGNATION OF A PARKS AND RECREATION COMMISSIONER - REQUEST TO FILL VACANCY ON THE PARKS AND RECREATION COMMISSION</u></b> .....	371
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Accept</u></b> Wes Rolley's Notice of Resignation from the Parks and Recreation Commission; and	
		2. <b><u>Confirm</u></b> the Mayor's Appointment to Fill Vacancy on the Parks and Recreation Commission, Term Ending April 1, 2004.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**